

April 8, 2010 DRAFT
Proposed Revision to the Zoning Regulations:
Definitions of Family and Boarding House

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revision)

1. Delete in its entirety existing Article IV, Section B.25 Definition of Family.

25. [Family. One or more persons who live together and maintain a common household, related by blood, marriage, or adoption. A family may also include domestic help and gratuitous guests. In addition, a family may include not more than three persons who are not related by blood, marriage or adoption.]

2. Add a new Article IV, Section B.25 Definition of Family to read as follows:

25. Family: A person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of people related by blood, marriage, civil union, adoption, foster care, guardianship or other duly authorized custodial relationship, gratuitous guests, domestic help and not more than one (1) additional unrelated person. (Related by blood shall include only persons having one of the following relationships with another individual(s) residing within the same dwelling unit: parents, grandparents, children, sisters, brothers, grandchildren, stepchildren, first cousins, aunts, uncles, nieces and nephews);
2. Two (2) unrelated persons and any children related to either of them;
3. A cumulative total of up to three (3) adult persons. More than three (3) adult persons may qualify as a family pursuant to other categories of this definition;
4. Persons living together as a functional family as determined by the criteria listed below. For the purpose of enforcing these regulations, it shall be assumed (presumptive evidence) that more than three (3) persons living together, who do not qualify as a family based on categories one or two of this definition, do not constitute a functional family. To qualify as a functional family, the following criteria shall be met:
 - A. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by a functional family;
 - B. The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
 - C. The group is permanent and stable. Evidence of such permanency and stability may include:
 1. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;

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2. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
3. Members of the household are employed in the area;
4. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
5. There is common ownership of furniture and appliances among the members of the household; and
6. The group is not transient or temporary in nature;

- D. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.
- E. Occupancy in a dormitory, fraternity, sorority, club, tourist home, emergency shelter, rooming or boarding house, group home or similar group occupancy shall not be construed to be a family. Many of these land uses are defined in Article IV, Section B.

5. Any group protected by the "reasonable accommodation" criteria of the Federal Americans with Disabilities Act or Fair Housing Act in that group members are the functional equivalent of a family sharing and in continued pursuant of their common commitment to rehabilitation or recovery from chronic drug or alcohol addiction or abuse, evidenced by substantial compliance with the following criteria, listed in order of importance:

- A. The residence facility is certified by the Department of Mental Health and Addiction Services as congregate sober housing.
- B. Collectively, the residents lease the entire residence rather than any particular room.
- C. Residents may remain indefinitely, but are required to leave the residence if they use drugs or alcohol.
- D. Residents share equally most household expenses, including rent, a single household budget, most household chores, including cleaning, shopping and cooking, and the work of maintaining the premises.
- E. Weekly meetings are used to discuss household, financial, logistical or interpersonal issues, and household safety, including fire safety.
- F. Residents prepare food and eat together on a frequent basis and there is shared food in the refrigerator.

26. Revise Article IV, Section B.7 Definition of Boarding House to read as follows:
 - a. **Board House.** A dwelling unit in which more than [four 4] three (3) persons, not a family reside.

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Explanatory Note: The proposed revisions to Mansfield's definition of family update and refine existing provisions, particularly with respect to blood relations; incorporate new provisions that authorize "functional families"; incorporate new provisions that authorize legally recognized living arrangements that qualify as "reasonable accommodation"; and reduce the number of unrelated individuals who automatically qualify as a family from four (4) to three (3). The proposed revisions, which recognize and provide for significant changes that have occurred over the past fifty years in family composition, are designed to preserve the character of Mansfield's single family residential neighborhoods, protect property values, reduce the increasing number of single family homes that are purchased for the primary purpose of renting to transient persons (primarily college students), enhancing housing opportunities for families meeting the new definition and in general to promote the public health, welfare and safety. All existing single family uses that comply with the existing definition of family, but would not comply with the proposed definition of family, would become non-conforming uses if the new definition is adopted. Legally established non-conforming uses can be continued, regardless of ownership changes, unless there has been a voluntary change in use or a clear intent to abandon rights to the pre-existing non-conforming use. The proposed revisions to Mansfield's definition of Board House are necessary to be consistent with the proposed definition of family.